

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HERON THERAPEUTICS, INC.,

Plaintiff,

v.

FRESENIUS KABI USA, LLC,

Defendant.

C.A. No. 22-985-WCB

**STIPULATION AND [PROPOSED] ORDER AMENDING CERTAIN PRETRIAL
ORDER EXCHANGES**

At Wilmington on this 21st day of June, 2024;

WHEREAS, in view of the Court's Pretrial Order (D.I. 160), Plaintiff Heron Therapeutics, Inc. ("Heron") and Defendant Fresenius Kabi USA, LLC ("Fresenius") have agreed to amend certain exchange deadlines and processes in order to better accommodate the trial schedule and to meet the Court's deadlines during trial:

NOW THEREFORE, Heron and Fresenius, by their undersigned counsel, and subject to the approval of the Court, STIPULATE as follows:

1. With respect to paragraph 37 of the Pretrial Order (D.I. 160 at ¶ 37), with the trial day ending at 6:00 pm ET, the parties shall exchange demonstrative exhibits to be used in connection with direct examination of a witness by 7:00 pm ET on the calendar day before such direct examination is expected to take place. The parties will meet and confer by 7:30 pm ET to discuss objections, and any objections will be submitted to the court at 8:00 pm ET or as soon thereafter as possible.

2. For the deposition designations in paragraph 50-51 of the Pretrial Order (D.I. 160 at ¶¶ 50-51), in order to accommodate the requirements of paragraph 51 and to allow for counterdesignations, affirmative designations shall be served by 7:00 pm ET three (3) calendar

days before they will be played in court, counterdesignations (and no objections) shall then be served by 7:00 pm ET two (2) calendar days before being played, and the party making the initial designation will provide the final version of the clips that will actually be played by 7:00 pm ET the calendar day before the witness is to be called at trial.

3. Moreover, with respect to deposition designations (D.I. 160 at ¶¶ 50-51), the designating party also provide with its affirmative designations served by 7:00 pm ET (3) calendar days before they will be played in court, the witness description it proposes to read with the testimony and the counterdesignating party will provide any revisions with its counterdesignations served by 7:00 pm ET (2) calendar days before being played.

Dated: June 21, 2024

SO STIPULATED:

/s/ Jeremy A. Tigan

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SO ORDERED this ___ day of June, 2024.

WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE